

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Upon Original Jurisdiction

No. _____

STATE OF WEST VIRGINIA, ex rel.
L. JOE STARCHER

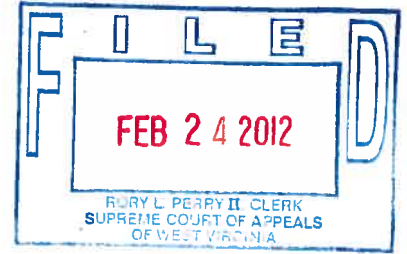
Petitioner,

v.

NATALIE E. TENNANT,
SECRETARY OF STATE OF THE
STATE OF WEST VIRGINIA,
AND WALTER HELMICK

Respondents.

EMERGENCY PETITION FOR WRIT OF MANDAMUS



Christopher T. Pritt (WVSB 10342)
Pritt & Pritt, PLLC
700 Washington Street, Suite 204
Charleston, WV 25301
(304) 720-4412
chris@prittlaw.com
Counsel for Petitioner L. Joe Starcher

February 24, 2012

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EMERGENCY PETITION FOR WRIT OF MANDAMUS

QUESTION PRESENTED

This petition presents the question of whether W.Va. Code § 19-1-2 requires the Secretary of State to exclude from the ballot a candidate whose filing for office, nomination, and election would violate this provision.

STATEMENT OF THE CASE

The Petitioner is a private citizen who would be voting in the upcoming primary and who is seeking to have Respondent Helmick's name removed from the ballot. The respondent Helmick is seeking the office of Commissioner of Agriculture. The Respondent Helmick does not meet the statutory requirements for the office. The Respondent is not upon information and belief a practical farmer and the learned in the science of agriculture, as W.Va. Code § 19-1-2 requires. Further, the Respondent Helmick did not for the past 10 years immediately preceding his election make agriculture his chief business, as W.Va. Code § 19-1-2 requires. More specifically, the Respondent Helmick owns a business in Pocahontas County that sells bottled water and rents cabins. App. At 5,8,10,12,13 [Exh. 1].

The Petitioner went to the Secretary of State's office, he was informed that they could do nothing remove the Respondent Helmick's name from the ballot, and that he would have to file something in court to have his name removed. The Petitioner understands that March 2, 2012, is the deadline for ballots to be printed, so therefore, the Petitioner requests that this matter be heard in an expedited manner.

SUMMARY OF ARGUMENT

The West Virginia code clearly states that to hold the office of Commissioner of

Agriculture, a party shall be “a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election.” See W. Va. Code § 19-1-2. The Respondent Helmick does not meet this requirement. This includes but is not necessarily limited to the fact that he has not made agriculture his chief business for a period of 10 years before what would be his election. No legal doctrine, including but not limited to the doctrine of desuetude, would nullify this law. Case law in West Virginia holds that challenging Respondent Helmick's candidacy using a writ of mandamus is proper.

STATEMENT REGARDING BRIEFING, ORAL ARGUMENT AND DECISION

The Petitioner requests that this Court enter an expedited briefing schedule sufficient to permit the Court to reach a decision prior to March 2, 2012.

The Petitioner believes that the facts and legal arguments will be adequately presented in the briefs and record on appeal. However, should the Court find it helpful in coming to a decision, the Petitioner's counsel will make himself available for a rule 19 or rule 20 argument at any time between now and March 2, 2012.

The Petitioner believes that a published opinion would be appropriate, as no clear precedent other than its statutory authority in and of itself can be found, and therefore this could assist future courts and litigants. A signed decision on the power of the Secretary of State to reject a candidate filing may also be useful in future cases. Given the time frame involved, however, the Petitioner respectfully suggests that the Court entering a summary order and following in due course with an opinion explaining the decision would be proper.

ARGUMENT

I. The West Virginia Code clearly states the qualifications for the office of Commissioner of Agriculture, and the Respondent Helmick does not meet these qualifications.

W. Va. Code § 19-1-2 clearly states requirements to hold the office of Commissioner of Agriculture, which are that the Commissioner shall be “a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election.”

The Respondent Helmick is not believed to be a practical farmer. The Respondent Helmick is not believed to be learned in the science of agriculture. The Respondent Helmick states his occupation as being in the West Virginia Senate and owning “Allegheny Lodge Enterprises, LLC,” which is in the business of selling bottled water and renting cabins. App. at 5,8,10,12,13 [Exh. 1]. Owning a business that sells bottled water and rents cabins could not reasonably meet the statutory obligation that a person makes agriculture his chief business for a period of 10 years before his election. Agriculture involves field crops, fruit, livestock, trout and honey, poultry, and so forth. App. at 18 [Exh. 2]. Even the most expansive definition of agriculture could not encompass selling bottled water and renting cabins. Because the Respondent Helmick does not have the statutorily required experience and background for the job, he cannot be placed on the ballot.

II. No legal doctrine beyond an application of W.Va. Code § 19-1-2 permits the Respondent Helmick to serve as commissioner of agriculture.

In recent statements to the press, the Respondent Helmick apparently plans to

assert that the law is nullified based on the doctrine of desuetude. App. at 24 [Exh. 3]. Review of the relevant case law suggests that this doctrine applies in the context of a criminal statute. More specifically, this Court has held that “Penal statutes may become void under the doctrine of desuetude if: (1) The statute proscribes only acts that are *malum prohibitum* and not *malum in se*; (2) There has been open, notorious and pervasive violation of the statute for a long period; and (3) There has been a conspicuous policy of nonenforcement of the statute.” Syllabus Point 3, *Comm. on Legal Ethics v. Printz*, 187 W.Va. 182, 416 S.E.2d 720 (1992).

The word “penal” in this holding is critical. “Penal statute” is a law “that defines an offense and prescribes its corresponding fine, penalty, or punishment.” Black’s Law Dictionary (7th ed. 1999). This statute cannot reasonably be considered a penal statute. The statute does not define an offense and does not prescribe a fine, penalty, or punishment.

The Respondents also cannot claim the existence of an open, notorious, and pervasive violation of a statute. Commissioner Gus Douglas has been in office since 1964, and his experience and background upon information and belief have not been reasonably questioned. The Petitioner knows of no articles or publications that have ever questioned qualification of Commissioner Douglas. At least for the past half century, no violation of the statute has occurred.

The Respondents also cannot claim that there has been a conspicuous policy of nonenforcement of the statute. A conspicuous policy nonenforcement will only exist when an issue is presented to the governmental agency responsible for making a decision. For a conspicuous policy to exist, a governmental agency has to make a

decision. Perhaps a contributing factor to this issue never occurring until now is the fact that very few West Virginians are in fact qualified for the position.

How this issue will be decided will have ramifications well beyond a race for Commissioner of Agriculture. A family court judge, for example, based on the West Virginia Code, must be admitted to practice law in West Virginia for at least 5 years and must be a member of good standing of the West Virginia bar. See W.Va. Code 51-2A-4. Though office of Family Court judge has only been in existence for a little over a decade, what if an individual who does not meet the statutory requirements someday decides to run? Does the fact that a newly admitted attorney or even a non-attorney has never sought the office decades after the statute has been passed mean that the Secretary of State's office has a *conspicuous* policy of nonenforcement?

III. Challenging Helmick's candidacy through a petition for Writ of Mandamus is proper.

Precedent of this Court supports the use of a writ of mandamus to challenge the candidacy of a person seeking elected office. This Court has enumerated the elements necessary for granting a writ of mandamus:

This Court has explained that the purpose of mandamus is to enforce "an established right" and a "corresponding imperative duty created or imposed by law." *State ex rel. Ball v. Cummings*, 208 W.Vz. 393, 398, 540 S.E.2d 917, 922 (1999) (citation omitted). In determining the appropriateness of mandamus in a given case, our law is clear that

A writ of mandamus will not issue unless three elements coexist- (1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.

Syllabus Point 2, *State ex rel. Kucera v. Wheeling*, 153

W.Va. 538, 170 S.E.2d 367 (1969).

State ex rel. West Virginia Citizen Action Group v. Tomblin, 227 W. Va. 687, 692, 715 S.E.2d 36, 41 (2011).

“In West Virginia a special form of mandamus exists to test the eligibility to office of a candidate in either a primary or general election.” Syl. pt. 5, in part, *State ex rel. Maloney v. McCartney*, 159 W.Va. 513, 223 S. E.2d 607 (1976). Thus, “[b]ecause there is an important public policy interest in determining the qualifications of candidates in advance of an election, this Court does not hold an election mandamus proceeding to the same degree of procedural rigor as an ordinary mandamus case.” Syl. pt. 2, *State ex rel. Bromelow v. Daniel*, 163 W. Va. 532, 258 S.E.2d 119 (1979); syl. pt. 3, *State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 585, 542 S.E.2d 405, 406 (2000). This relaxed standard was first adopted with cases where a Petitioner sought to preserve the right to vote or to run for political office. See, e.g., syl. pt 3, *State ex rel. Sowards v. County Comm’n of Lincoln Co.*, 196 W. Va. 739, 474 S. e. 2d 919 (1996); *State ex rel. Sandy v. Johnson*, 212 W. Va. 343, 348, 571 S. E. 2d 333, 338 (2002). This precedent been expanded to cases seeking to prohibit a candidate from running:

While we countenanced easing the standard for issuing extraordinary relief in the context of “preserving” the right to run for political office in *Sowards*, the issues raised in this case, although aimed at prohibiting a candidacy, suggest similar exigencies which require immediate, rather than deferred, resolution. Moreover, as we explained in *Bromelow*, “[t]he principal purpose of the liberalized election mandamus proceeding is to provide an expeditious

pre-election hearing to resolve eligibility of candidates, so that voters can exercise their fundamental rights as to all eligible candidates.” *Id.* at 536, 258 S. E. 2d at 122; *see also State ex rel. Maloney v. McCartney*, 159 W. Va. 513, 527, 223 S. E. 2d 607, 616 (1976) (stating that “intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election” and recognizing that “some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery....”).

State ex rel. Carenbauer v. Hechler, 208 W. Va. at 588, 542 S. E. 2d at 409. This Court recognized that prompt resolution of candidate eligibility disputes furthers important public policies when it said:

A consistent line of decisions of this Court during the last fifteen years clearly recognizes that the intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election. Consequently this Court has recognized that some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery.

State ex rel. Maloney v. McCartney, 159 W. Va. at 526-27, 223 S. E. 2d at 616; *see also White v. Manchin*, 173 W. Va. 526, 532-534, 318 S. E. 2d 470, 476-478 (1984).

Pursuant to *White v. Manchin*, *supra*, Petitioner Starcher has joined the Secretary of State and Helmick as original party Respondents to avoid any delay to receive a motion to intervene.

The Petitioner is entitled to a writ. When a candidate for elected office is ineligible, a writ of mandamus lies against the Secretary of State.¹ *White v. Manchin*, 173 W. Va. at 547, 318 S. E. 2d at 491; *State ex rel. Maloney v. McCartney*, 158 W. Va. at 527, 223 S. W. 2d at 616 (granting writ against respondent Secretary of State); see also *State ex rel. Carenbauer v. Hechler*, 208 W. Va. at 600, 542 S. E. 2d at 421 (applying election mandamus standards and granting writ of prohibition prohibiting Justice serving after election to an unexpired term to run for a full twelve year term).

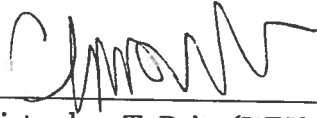
CONCLUSION

For the reasons noted herein, Petitioner Starcher prays that this Court grant a rule to show cause, enter an expedited briefing schedule, and after due consideration, grant Petitioner a writ of mandamus. Petitioner believes that the writ should (1) direct the Respondent Secretary of States to withdraw her certification of candidacy of Respondent Helmick declaring him ineligible to run for Commissioner of Agriculture in 2012; (2) further direct the Secretary of State to, pursuant to her authority granted by W. Va. Code § 3-1A-6(a), herself direct the ballot commissioners for the counties of West Virginia to strike, omit, or otherwise remove the name of Respondent Helmick from the official ballots to be used in the primary election to be conducted on May 8, 2012, as candidate for the Democratic Party nomination to the office of Commissioner of Agriculture; and (3) further direct Secretary of State, pursuant to W. Va. Code, § 3-1A-6(a), to herself direct all election officials, county commissioners, clerks, clerks of circuit courts, boards of ballot commissioners, election commissioners, and poll clerks

¹ Petitioner Starcher has not joined the county ballot commissioners as parties. This decision was made in order to expedite this case and save the commissioners the cost and expense of filing a response to this Petition where they are nominal parties. Petitioner Starcher believes that W. Va. Code, § 3-1A-6(a) authorizes the Secretary of State, as chief election official, to issue orders to all election officials, county commissions, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners and poll clerks who are required to abide by any orders that may be issued. As such, a writ directed at the Secretary of State is sufficient to provide the relief required by this Petition.

associated with the administration of the primary elections to disregard and refrain from tallying, tabulating, certifying, or returning any vote cast, absentee, write-in, or otherwise, for Respondent Helmick.

Signed:



Christopher T. Pritt (WVSBN: 10342)
Pritt & Pritt, PLLC
700 Washington Street East, Suite 204
Charleston, WV 25301
304-720-4412
Fax: 304-768-5814
chris@prittlaw.com
Counsel for Petitioner

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VERIFICATION

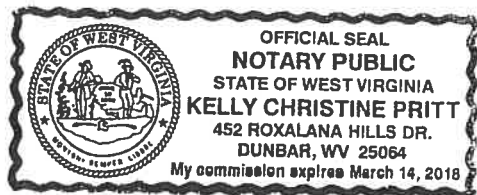
I, L. Joe Starcher, being first duly sworn upon oath, states that he is the Petitioner in the above-styled case, that he read the Emergency Petition for Writ of Mandamus and that the facts and allegations contained therein are true except insofar as therein stated to be upon information and belief and insofar as therein stated upon information and belief he believes them to be true.

L. Joe Starcher

Taken, subscribed, and sworn to before me on this 22nd day of February, 2012.

My commission expired March 14, 2018

Kelly Christine Pritt
Notary Public



**CERTIFICATE OF SERVICE AND
MEMORANDUM OF PERSONS TO BE SERVED**

I, Christopher T. Pritt, counsel for the State of West Virginia ex rel. R. Joe Starcher, do certify that on this 24th day of February, I have served the Emergency Petition for Writ of Mandamus and Petitioners' Appendix to Emergency Petition for Writ of Mandamus as set forth below. The Court's Rule to Show Cause should be served on these parties at the addresses set forth below.

The Honorable Natalie E. Tennant
West Virginia Secretary of State
Room 157-K, Building 1
State Capitol Building
1900 Kanawha Boulevard, East
Charleston, WV 25305 (via Hand Delivery)

The Honorable Darrell V. McGraw
West Virginia Attorney General
Room E-26, Building 1
State Capitol Building
1900 Kanawha Boulevard, East
Charleston, WV 25305 (via Hand Delivery)

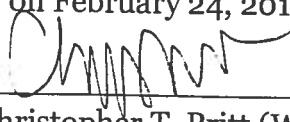
Service has not been perfected but will be perfected on the following:

The Honorable Walt Helmick
HC Box Box 130
Marlinton, WV 24954

or

Room 200W, Building 1
State Capitol Complex
Charleston, WV 25305

(Via electronic mail on February 24, 2012)



Christopher T. Pritt (WVSBN: 10342)

Pritt & Pritt, PLLC

700 Washington Street East, Suite 204
Charleston, WV 25301

304-720-4412

Fax: 304-768-5814

chris@prittlaw.com

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PETITIONER'S APPENDIX

1. Ethics Commission Financial Disclosures.....1-14
2. West Virginia Agriculture Statistics Publication.....15-23
3. West Virginia Gazette Article, Dated February 12, 2012.....24, 25

ETHICS COMMISSION FINANCIAL DISCLOSURES

Name: _____

Return completed form to:
WV Ethics Commission
210 Brooks St., Ste 300
Charleston WV 25301
304-558-0664 or 1-866-558-0664



Candidate information, if applicable
County: _____
Candidate for: _____
Date you filed for candidacy: _____
District or circuit if applicable: _____

West Virginia Ethics Commission Financial Disclosure Statement

W. Va. Code §§ 6B-2-6 and 7

Rev: 11-2011

Important!

- Please read and answer *every question*. We will return incomplete forms to you for completion or correction.
- You must file a new Financial Disclosure Statement each year you are in your public position.
- If this is your annual filing, the statement is due by February 1.
- If you are a new appointee, this statement is due within 30 days of the date of your appointment.
- If you are a candidate for public office, this statement is due within 10 days of filing your *Certificate of Candidacy*.
- The information you provide on this statement should cover the past calendar year.
- You may attach additional pages or information to this form if necessary.

1. Name of filer and spouse

Filer last name Heimick First name Walt
Spouse last name Hedrick-Heimick First name Rita
County of residence Marathon Co
Business (employment) address WV Senate
Rm 200 W Bldg 1 1900 Kanawha Blvd E Charleston WV
City / state / zip 25305

2. Candidate / Officeholder information

Do you currently hold a county, circuit or state elected office? Yes ☒ No ☐

If yes, title of office Senate

Are you a candidate or do you plan to become a candidate for public office in the next election? Yes ☒ No ☐ N/A

If yes, for what office: Undecided Date you filed for candidacy Have Not Filed yet

3. Appointed positions on State Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve or have served in the past 12 months by appointment of the Governor. Include recent appointments. ☒ Mark here if N/A

Name: _____

4. Business Names

List all names under which you and/or your spouse conduct or do business. If you or your spouse is self-employed, list the name or names under which you or your spouse conducts the business, trade, sole proprietorship or profession.

☐ Mark here if no business names

self ☒ spouse ☐

Allegheny Lodge Enterprises LLC.

self ☐ spouse ☐

self ☐ spouse ☐

5. Regular Employment

For you and your spouse, list the name and address of each employer(s) during the past twelve months. Include all employment in city, county or state government positions as well as employment in the private sector, your job title and a general description of your job duties. For purposes of this question, an employer is one who provides you with a W-2 Form. Generally, this does not include self-employment if listed elsewhere on the form.

☐ Mark here if neither you nor your spouse had regular employment during the past 12 months.

	Employer Name and Address	Job title and duties of your position
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	1. <u>W. Senate</u>	<u>Senate Duties</u>
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	<u>Rm 200 W Bldg 1 1900 Kanawha Blvd E Charleston, W. 25305</u>	
self <input type="checkbox"/> spouse <input type="checkbox"/>	2. <u>W. Mc Bd of Review</u>	<u>W. Appellate Court Chamberman</u>
	<u>1207 Quarrier St. Ste 304 Charleston, W. 25301</u>	
self <input type="checkbox"/> spouse <input type="checkbox"/>	3.	
self <input type="checkbox"/> spouse <input type="checkbox"/>	4.	

6. 20% Gross Income Categories for you and your spouse

Did you or your spouse receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below? Yes ☒ No ☐ If yes, mark with an 'X' all categories that apply to you and/or your spouse.

self	spouse	self	spouse	self	spouse
COMPANIES		MINING		GOVERNMENT	
<input type="checkbox"/>	<input type="checkbox"/> Advertising	<input type="checkbox"/>	<input type="checkbox"/> Surface mining	<input type="checkbox"/>	<input type="checkbox"/> City or town
<input type="checkbox"/>	<input type="checkbox"/> Beer, wine or liquor (or distributor)	<input type="checkbox"/>	<input type="checkbox"/> Mining equipment	<input type="checkbox"/>	<input type="checkbox"/> County
<input type="checkbox"/>	<input type="checkbox"/> Cable television	<input type="checkbox"/>	<input type="checkbox"/> Deep mining	<input type="checkbox"/>	<input checked="" type="checkbox"/> State
<input type="checkbox"/>	<input type="checkbox"/> Chemical	OIL OR GAS		ASSOCIATIONS OR ORGANIZATIONS	
<input type="checkbox"/>	<input type="checkbox"/> Construction	<input type="checkbox"/>	<input type="checkbox"/> Retail	<input type="checkbox"/>	<input type="checkbox"/> Labor Association/Organization
<input type="checkbox"/>	<input type="checkbox"/> Insurance	<input type="checkbox"/>	<input type="checkbox"/> Wholesale	<input type="checkbox"/>	<input type="checkbox"/> Professional Association
<input type="checkbox"/>	<input type="checkbox"/> Intrastate transportation	<input type="checkbox"/>	<input type="checkbox"/> Exploration	<input type="checkbox"/>	<input type="checkbox"/> Association that promotes gaming or lottery
<input type="checkbox"/>	<input type="checkbox"/> Interstate transportation	<input type="checkbox"/>	<input type="checkbox"/> Production & Drilling	<input type="checkbox"/>	<input type="checkbox"/> Association of public employees or public officials
<input type="checkbox"/>	<input type="checkbox"/> Media	UTILITIES		<input type="checkbox"/>	<input type="checkbox"/> Trade Association or Organization
<input type="checkbox"/>	<input type="checkbox"/> Manufacturing	<input type="checkbox"/>	<input type="checkbox"/> Electric	OTHER	
<input type="checkbox"/>	<input type="checkbox"/> Promotional	<input type="checkbox"/>	<input type="checkbox"/> Gas	<input type="checkbox"/>	<input type="checkbox"/> Economic Development
<input type="checkbox"/>	<input type="checkbox"/> Race tracks	<input type="checkbox"/>	<input type="checkbox"/> Telephone	<input type="checkbox"/>	<input type="checkbox"/> Hospitals or other health care providers
<input type="checkbox"/>	<input type="checkbox"/> Recreation	<input type="checkbox"/>	<input type="checkbox"/> Water	<input type="checkbox"/>	<input type="checkbox"/> Information Technology
<input type="checkbox"/>	<input type="checkbox"/> Retail	FINANCIAL		<input type="checkbox"/>	<input type="checkbox"/> Legal service providers
<input type="checkbox"/>	<input type="checkbox"/> Timber	<input type="checkbox"/>	<input type="checkbox"/> Banks	<input type="checkbox"/>	<input type="checkbox"/> Lobbying
<input type="checkbox"/>	<input type="checkbox"/> Wholesale	<input type="checkbox"/>	<input type="checkbox"/> Savings and Loan Associations		
<input type="checkbox"/>	<input type="checkbox"/> Waste disposal	<input type="checkbox"/>	<input type="checkbox"/> Loan or Finance Companies		

Name: _____

Worksheet A: If you are appointed to serve on a State Board or Commission by the Governor and receive no compensation for your service, you may not be required to report certain financial information about your spouse. Complete this worksheet to determine if this exception applies to you.



Please read and answer Parts 1 & 2 before you complete this page.

Part 1. Are you a Board or Commission Member appointed by the Governor?

YES ☐ Continue on to Part 2

NO ☒ DO NOT complete this page. Return to the disclosure statement and answer all questions for both you and your spouse.

Part 2. Do you hold another office or employment position that requires you to file this Financial Disclosure Statement?

YES ☐ DO NOT complete the rest of this page. Return to the statement and answer all questions for both you and your spouse.

NO ☐ Continue on to complete and sign Part 3 of this Worksheet A.

Part 3. Complete this section to determine if you are exempt from disclosing certain financial information about your spouse as requested in questions 7 and 8.

I am an appointed member of the following state Board, Commission or Agency:

Please check all that apply:

1. ☐ There is no compensation, per diem, salary or other payment authorized by state law for serving on this board or commission. (Excluding travel or expense reimbursement.) Note: The test is not whether you decline compensation but whether it is authorized by code, statute, or law.
2. ☐ Neither my spouse nor a business with which he or she is associated is regulated by the State Board, Commission, or Agency on which I serve by appointment. ("Associated" is defined as a business in which your spouse, or his or her immediate family member, is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class. "Immediate family member" means dependent children, grandchildren or parents.)
3. ☐ Neither my spouse nor a business with which he or she is associated has a contract with, or receives any grants or appropriations from, the state Board, Commission, or Agency on which I serve.

Only if you have checked boxes 1, 2, and 3, are you exempt from answering questions 7 & 8 as they pertain to your spouse. You, as the filer must answer questions 7 & 8 as they pertain to you. Please answer all other questions as they pertain to both filer and spouse.

-----**VERIFICATION & SIGNATURE**-----

Under penalty of perjury, I hereby declare that the information provided herein is true.

Signature of Filer: Walt Helmick

Print Filer Name: WALT HELMICK

Date: 1-18-12

Name: _____

7. List **ALL** Sources of Income over \$1,000

(NOTE: Please read the instruction sheet and Worksheet A before you complete this question.)

- As the filer of this statement, you must answer this and all questions as they apply to you.
- To determine if you must disclose income information about your spouse, refer to Worksheet A on page 4.

Identify by category every source of income over \$1,000 received by you and/or your spouse during the preceding calendar year in your name, or by any other person for your use or benefit. Include distributions received from retirement and pension accounts. If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation. For example, if you are an insurance agent, do not list the names of your clients. Do not disclose actual dollar amounts of income, only the source. (See examples below and the instruction sheet for more information)

Indicate if the income was received by you or your spouse by marking the appropriate box in the chart below.

Source or category of income over \$1000		Description of income activity (or job title)
self <input checked="" type="checkbox"/> spouse	Example: ABC Engineering	Director of Accounting
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	Example: BB&T Bank	CD Interest and Retirement Account Distributions
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	WV Senate	Senate District
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	WV WLC Bd of Review	Appellate w/c Court Clerk
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

8. Business Interests and Commercial Real Estate

(NOTE: Please read the instruction sheet and Worksheet A on page 4 before you complete this question.)

- As the filer of this statement, you must answer this and all questions as they apply to you.
- To determine if you must disclose business and real estate information about your spouse, see Worksheet A.

Provide the name and address of each business in which, during the past year, you or your spouse held an interest with a fair market value of \$10,000 or more, including but not limited to: Non-publicly owned businesses, publicly or privately traded stocks, bonds or securities, including those held in self-directed retirement accounts; and commercial real estate. (For purposes of this question, **DO NOT** include mutual funds or specific holdings in mutual funds or retirement accounts. However, distributions from retirement accounts may be reportable in question 7 if over \$1,000 annually.) Attach additional sheets if necessary.

☐ Mark here if neither you nor your spouse had any business interests meeting these criteria.

self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	Example: Jones Coal Hauling, Placeville WV
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	Example: Stonefront Apartment Building, 123 Main Street, Charleston WV
self <input checked="" type="checkbox"/> spouse <input checked="" type="checkbox"/>	Allegheny Lodge Enterprises LLC 83 Bx 130 Marlinton WV 26053
self <input type="checkbox"/> spouse <input type="checkbox"/>	
self <input type="checkbox"/> spouse <input type="checkbox"/>	

Name: _____

9. For-Profit Business Officer or Member of Board of Directors

List the name of each for-profit business on which either you or your spouse serves on the Board of Directors or as an Officer of the Business. Describe the type of business.

☐ Mark here if neither you nor your spouse serve on a Board of Directors or is an Officer.

	Name and address of Business	Description of the type of Business
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	Highway Large Enterprises LLC	Water Sales / Cottage Rentals
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

10. Non-Profit Organizations

List the name of each Non-Profit Organization on which either you or your spouse serves on the Board of Directors or as an Officer of the Organization.

☒ Mark here if neither you nor your spouse serve on a Board of Directors or is an Officer.

	Name and address of the Organization	Description of the non-profit
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

11. Sales or Contracts with Governmental Entities *(See the instruction sheet for more information about the Ethics Act's prohibition against having an interest in a public contract.) W. Va. Code § 6B-2-5(d)*

During the past calendar year, did you or your spouse contract for the sale of any goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which either you or your spouse owned or controlled more than (10%) ten percent? Yes _____ No ☒

If yes, identify the governmental agency that purchased the goods or services, and describe the nature of the goods or services.

	Name of Governmental entity	Description of goods or services provided
self spouse <input checked="" type="checkbox"/>	Example: State of WV DHHR	Foster home placement studies
self <input checked="" type="checkbox"/> spouse	Example: Pike County Sheriff's Department	Rental of garage space for patrol cars
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

12. Adult Children – Public Employment

Please list the name and business address of any adult child or step-child employed by State, County or Municipal Government.

☒ Mark here if this question does not apply to you.

Name of child or step-child	Business name and address

Name: _____

13. DEBTS

A: Owed to others: List the names of all persons residing or transacting business in the state, which you owe, in the aggregate, more than \$5,000, on the date of this statement. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You **DO NOT** have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the "Linked Deposit Program" (W.Va. Code §12-1A-1 et seq.), the debt must be listed.

☒ Mark here if you owe no reportable debts as described above.

B. Owed to you: List the names of all persons residing or transacting business in the state, who owe you, in the aggregate, more than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit.

You **DO NOT** have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

☒ Mark here if you had no reportable debts owed to you as described above.

14. GIFTS

A gift is anything with monetary value, including meals and beverages. If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the exceptions listed below. "Total value" includes the cumulative value of all gifts from the same source directly or indirectly, during the previous calendar year.

Gifts from the following sources are **NOT** reported.

1. your spouse, child, grandchild, parents or grandparents
2. a trust established by your spouse, child, grandchild, or ancestor
3. a will, or lawful inheritance in the absence of a will
4. a registered lobbyist (*registered lobbyists report these expenditures on Lobbyist Reporting Form, Schedule A*)

☒ Mark here if you received no reportable gifts.

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reported:

- from your spouse, child, grandchild, parents or grandparents
 - a trust established by your spouse, child, grandchild, or ancestor
 - from a will, or lawful inheritance in the absence of a will
 - from a registered lobbyist (registered lobbyist report these expenditures on lobbyist Reporting Form, Schedule A)
- If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the above exceptions. "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state, to whom you owe more, in the aggregate, than \$5,000 on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the linked deposit program (W. Va. Code §12-1A-1 et seq.), the debt must be listed.

Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000 on the date this statement is executed, either in your name or any other person's name for your use or benefit. You do not have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained herein and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature: William H. Hark

Date: 7/7/11

Revised 1/2010

Return completed form to:
WV Ethics Commission
210 Brooks St., Ste. 200
Charleston WV 25301
204-558-0664 or 1-866-558-0664



Your name: William H. Hark
County of residence: Putnam
Position: Attorney at Law
Candidate for public office at this time: Yes ☐ No ☒

NAME: Mr. William Hark
COUNTY: Putnam
DATE: 7/7/2011

WV-14891
1000 Main Street
Room 130
Martinsburg, WV 26150

West Virginia Ethics Commission Financial Disclosure Statement

W. Va. Code §6B-2-6

WARNING: PLEASE read and answer all questions. Incomplete forms will be returned for correction.
You must file a financial disclosure statement with the Commission if you are in your public position for information. You provide us this form should open the calendar year. If this is your annual filing, the forms due regularly. If you are a new appointee, this form is due within 30 days of the date of your appointment. Candidates under the waiting list also file their financial disclosure of candidacy. Additional pages may be attached to this form as necessary.
If you have any questions please call 204-558-0664 or (toll free) 1-866-558-0664. On the web: www.wvethics.com

1. Your Name and Address

Please type or print clearly and mark the box that is your preferred mailing address.

Last Name: HARK First Name: William
Email: will@hark.com
Home address: 1000 Main Street City: Martinsburg State: WV Zip: 26150
City/State/Zip: Martinsburg, WV 26150
Business address: 1000 Main Street City: Martinsburg State: WV Zip: 26150
City/State/Zip: Martinsburg, WV 26150

2. Candidate / Officeholder information

Do you currently hold a county, circuit or state elected office? Yes ☒ No ☐ If yes, title of office: Attorney at Law
Have you filed candidacy papers for public office in the next election? Yes ☐ No ☒ If yes, what office: _____ Date you filed your candidacy papers: _____

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here ☒

Date appointed (if known): _____

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply, Acme Video Rental; Computers, Inc.; Dr. John Smith, MD; Jack Sparrow, Attorney at Law. If no business names, mark here ☒

William Hark LLC

Last Name: DeWitt

First Name: Walter

5. List All Sources of Income over \$1,000 (Include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, elected and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse or other than from jointly owned sources.

If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation.

Describe the nature of the services for which the income was received. See examples in box below.

EXAMPLES

All sources of income over \$1,000	Description of income source or self-employment
State of NY	Highway Dept. Engineer
Suburban Cable Company	part time sales person
Supreme Court of NY	Magistrate
Shirley Jones Co., PLLC	private law practice
Shirley Jones Co., PLLC	stock dividends on stock held in account
Shirley Jones Co., PLLC	interest on car on my property
Shirley Jones Co., PLLC	retirement income
Shirley Jones Co., PLLC	other income

List all sources of income over \$1,000 (include your regular employment here also)

Description of income sources (or your job title)

W. DeWitt
Allegany Lodge Endowment Fund President

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes ☐ No ☒ If yes, mark with an "X" all categories that apply.

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Surface Mining | <input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Media |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Deep Mining | <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Cable TV |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Mining Equipment | <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Timbering | <input type="checkbox"/> Telephone Utilities | <input type="checkbox"/> Promotional Companies |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Waste Disposal | <input type="checkbox"/> Banks | |
| <input type="checkbox"/> Race Tracks | <input type="checkbox"/> Intrastate transportation | <input type="checkbox"/> Savings & Loan | |
| <input type="checkbox"/> Retail oil or gas | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Loan or Finance Companies | |
| <input type="checkbox"/> Trade Associations | <input type="checkbox"/> Recreation related | | |
| <input type="checkbox"/> Labor organizations | <input type="checkbox"/> Groups or associations promoting gaming or lotteries | | |
| <input type="checkbox"/> Casinos | <input type="checkbox"/> Beer, wine or liquor companies or distributors | | |
| <input type="checkbox"/> Cities or Towns | <input type="checkbox"/> Associations of public employees or public officials | | |
| <input type="checkbox"/> Professional Associations | <input type="checkbox"/> Hospital or other health care providers | | |

7. List each Employer or Self-Employment Business (if any)

A. List the name and address of each of your employer(s) during the past twelve months including city, county or state government employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form. If so you had no employers during the past 12 months mark here ☐

B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employs you.

C. Are you self-employed? Yes ☒ No ☐ If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self-employment in questions 4, 5 and 9).

Allegany Lodge Endowment Fund
1100 1st St. N.E.
Martinsburg, WV 26151

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you contract for the sale of goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which you owned or controlled more than 10% interest? Yes ☒ No ☐ If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

EXAMPLES

Governmental Agency	Description of goods or services provided
City of Pleasantville	solid brick road and fire hydrant project
County of Pleasantville	rental of police force for public safety
State of Pleasantville	other home placement project

Governmental Entity

Description of goods or services provided

Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) held an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 percent (5%), or greater, if the fair market value of that interest exceeded \$10,000. Include ownership of corporate stocks, whether publicly or privately traded. (DO NOT include interests in mutual funds, or retirement funds, such as 401(k) or IRA. However, income from these sources may be reportable in question 5.) Attach additional sheets if necessary.

EXAMPLES

Allegany Lodge Endowment Fund	Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund	Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund	Allegany Lodge Endowment Fund

Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund
Allegany Lodge Endowment Fund

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reportable:

- from your spouse, child, grandchild, parents or grandparents
- a trust established by your spouse, child, grandchild, or ancestor
- from a will, or lawful inheritance in the absence of a will
- from a registered lobbyist (registered lobbyist report these expenditures on Lobbyist Reporting Form, Schedule A)

If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver (UNLJSS it falls into one of the above exceptions. "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state, to whom you owe more, in the aggregate, than \$5,000, on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a co-signer.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above requires the approval of the state or any of its political subdivisions, or if a loan was obtained from the limited deposit program (W.Va. Code §12-1A-1 et seq.), the debt must be listed.

Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit. You do not have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained hereon and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature:

Date:

Please print name: Matt Helmick

Revised 11/2007

Return completed form to:
WV Ethics Commission
210 Brooke St., Ste. 300
Charleston WV 25301
304-558-0664 or 1-866-558-0664

2010 JAN 29 AM 11:20



Your name: Matt Helmick
County of residence: Marshall
Position: State Senator
Candidate for public office in 2008? Yes ☒ No ☐

How, what, how often?
HE 32 FOX 36
Mar 11-10-07 2:45:52

MEM16257

WV Ethics Commission
210 Brooke St., Ste. 300
Charleston WV 25301
304-558-0664 or 1-866-558-0664

West Virginia Ethics Commission Financial Disclosure Statement

W. Va. Code §6B-2-6

IMPORTANT: PLEASE read and answer all questions. The complete forms will be returned for your retention.

You must file a Financial Disclosure Statement with you when you are in your public position.

If you are a new appointee, this form is due within 30 days of the date of your appointment. Candidates must file within 10 days of filing their Certificate of Candidacy. Additional pages may be attached when necessary.

If you have any questions please call 304-558-0664 or (toll free) 866-558-0664

1. Your Name and Address

Please type or print clearly and mark the box that is your preferred mailing address.

Last Name: Helmick First Name: Matt Daytime phone (304) 749-7172
Home address: 816 E. 3rd St. City/State/Zip: Marshall, WV 24501 Other phone (304) 351-1950
City/State/Zip: Marshall, WV 24501 County of residence: Marshall

2. Candidate / Officeholder Information

Do you currently hold a county, circuit or state elected office? Yes ☒ No ☐ If yes, title of office: State Senator
Have you filed candidacy papers for public office in the next election? Yes ☒ No ☐ N/A ☐
If yes, what office: State Senator 15th District Date you filed your candidacy papers: 11/10

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here ☒

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply; Acme Video Rental; Computers, Inc.; Dr. John Smith, MD; Jack Sparrow, Attorney at Law. If no business names, mark here ☒
Allegheny Energy Enterprises LLC

Last Name: _____

First Name: _____

5. List All Sources of Income over \$1,000 (Include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, elected and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse other than from jointly owned sources.

If you derive income from a business, profession, or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation. Describe the nature of the services for which the income was received. See examples in box below.

EXAMPLES

All sources of income over \$1,000	Description of Income Source or your job title
State of NY Swindishuk Cable Company	Highways Dept. Engineer
Supreme Court of NY	part time sales person
Smith & Jones Co., LLC	Midnight
Acorn Inc.	private day practice
Acorn Inc.	stock dividends on stock held in account
Acorn Inc.	timber was cut on my property
Acorn Inc.	retirement income
Acorn Inc.	unemployment benefits

List all sources of income over \$1,000 (Include your regular employment here also)

All sources of income over \$1,000	Description of Income Source (or your job title)
W. State Senate	Senator
Allegheny Lodge Enterprises LLC	botled water sales

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes ☐ No ☒ If yes, mark with an "X" all categories that apply.

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Surface Mining | <input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Media |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Deep Mining | <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Cable TV |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Mining Equipment | <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Timbering | <input type="checkbox"/> Telephone Utilities | <input type="checkbox"/> Promotional Companies |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Waste Disposal | <input type="checkbox"/> Banks | |
| <input type="checkbox"/> Race Tracks | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Savings & Loan | |
| <input type="checkbox"/> Rental oil or gas | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Loan or Finance Companies | |
| <input type="checkbox"/> Trade Associations | <input type="checkbox"/> Recreation related | | |
| <input type="checkbox"/> Labor organizations | <input type="checkbox"/> Groups or associations promoting gaming or lotteries | | |
| <input type="checkbox"/> Counties | <input type="checkbox"/> Beer, wine or liquor companies or distributors | | |
| <input type="checkbox"/> Cities or Towns | <input type="checkbox"/> Associations of public employees or public officials | | |
| <input type="checkbox"/> Professional Associations | <input type="checkbox"/> Hospital or other health care providers | | |

7. List each Employer or Self-Employment Business (if any)

- A. List the name and address of each of your employer(s) during the past twelve months including city, county or state government, employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form. If no you had no employers during the past 12 months mark here ☐
- B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employ you.
- C. Are you self-employed? Yes ☒ No ☐ If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self-employment in questions 4, 5 and 9).

Allegheny Lodge Enterprises LLC, HC 82 Box 130, Grantsville, WV 26041

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you contract for the sale of goods or services to a state, county, municipal or other local government, agency, either directly or through a partnership, corporation or association in which you owned or controlled more than (10%) ten percent? Yes ☒ No ☐

If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

EXAMPLES

Governmental Agency	Description of goods or services provided
City of Pennsylvania The County Sheriff's Office State of NY DMV	sell bricks and sand for street repair project rental of garage space for garage cars favor home placement studies

Governmental Entity	Description of goods or services provided
Treasurer's Office	botled water sales

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) held an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 percent (5%), or greater, if the fair market value of that interest exceeded \$10,000. Include ownership of corporate stocks, whether publicly or privately traded. (DO NOT include interests in mutual funds, or retirement funds, such as a 401(k) or IRA. However, income from these sources may be reportable in question 5.) Attach additional sheets if necessary.

Mark here if you had no business interests which meet these criteria.

EXAMPLES

Jones Coal Mining, Pleasantville, WV
Gandy stock, publicly traded
Main Street Bank, stock ownership, Grantsville, WV

Allegheny Lodge Enterprises LLC, Grantsville, WV

Return completed form to:
WV Ethics Commission
210 Brooks St., Ste 300
Charleston WV 25301
304-558-0664 or 1-866-558-0664



Your name Walt Helmick
County of residence Pocahontas
Position: State Senator
Candidate for public office at this time Yes ☐ No ☒

Revised 2/27/09

HELM168291

NAME: Hon. Walt Helmick

POSITION: Senator of WV

[15th 2003-2006]

HELM168291

Hon. Walt Helmick
HC 82 Box 130
Marlinton WV 24954

West Virginia Ethics Commission Financial Disclosure Statement

[W. Va. Code §6B-2-6]

IMPORTANT! PLEASE read and answer all questions. Incomplete forms will be returned for correction!

You must file a Financial Disclosure Statement each year you are in your public position.

The information you provide on this form should cover the past calendar year. If this is your annual filing, the form is due February 1. If you are a new appointee, this form is due within 30 days of the date of your appointment. Candidates must file within 10 days of filing their Certificate of Candidacy. Additional pages may be attached to this form as necessary.

If you have any questions please call 304-558-0664 or (toll-free) 866-558-0664.

1. Your Name and Address

Please type or print clearly and mark the box that is your preferred mailing address.

Last Name Helmick First Name Walt Daytime phone (304) 799-7172
☒ Home address HC 82, Box 130 Other phone ()
City / state / zip Marlinton, WV 24954 County of residence Pocahontas
☐ Business address
City / state / zip

2. Candidate / Officeholder information

Do you currently hold a county, circuit or state elected office? Yes ☒ No ☐ If yes, title of office: State Senate
Have you filed candidacy papers for public office in the next election? Yes ☐ No ☒ N/A ☐
If yes, what office: _____ Date you filed your candidacy papers: _____

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here ☒ Date appointed (if known).

Governor's Commission on Prison Overcrowding Feb. 6, 2009

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply; Acme Video Rental; Computers, Inc.; Dr. John Smith, MD; Jack Sparrow, Attorney at Law. If no business names, mark here ☐

Allegheny Lodge Enterprises LLC

Last Name: HelmickFirst Name: Wait**5. List All Sources of Income over \$1,000** (Include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, elected and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse other than from jointly owned sources.

If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation.

Describe the nature of the services for which the income was received. See examples in box below.

☐ I had no sources of income over \$1,000 in the past year.

EXAMPLES

All sources of Income over \$1,000	Description of Income Source or your job title
State of WV	Highways Dept Engineer
Suddenlink Cable Company	part time sales person
Supreme Court of WV	Magistrate
Smith & Jones Co., PLLC	private law practice
Merrill Lynch	stock dividends on stock held in account
sold timber	timber was cut on my property
ABC Gas company	retirement income
rental income	apartment buildings

List all sources of income over \$1,000 (Include your regular employment here also)	Description of Income Sources (or your job title)
WV Senate	Elected State Senator
Allegheny Lodge Enterprises, LLC	Sale of bottled water

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes ☐ No ☒ If yes, mark with an 'X' all categories that apply.

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Surface Mining | <input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Media |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Deep Mining | <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Cable TV |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Mining Equipment | <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Timbering | <input type="checkbox"/> Telephone Utilities | <input type="checkbox"/> Promotional Companies |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Waste Disposal | <input type="checkbox"/> Banks | |
| <input type="checkbox"/> Race Tracks | <input type="checkbox"/> Intrastate transportation | <input type="checkbox"/> Savings & Loan | |
| <input type="checkbox"/> Retail oil or gas | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Loan or Finance Companies | |
| <input type="checkbox"/> Trade Associations | <input type="checkbox"/> Recreation related | | |
| <input type="checkbox"/> Labor organizations | <input type="checkbox"/> Groups or associations promoting gaming or lotteries | | |
| <input type="checkbox"/> Counties | <input type="checkbox"/> Beer, wine or liquor companies or distributors | | |
| <input type="checkbox"/> Cities or Towns | <input type="checkbox"/> Associations of public employees or public officials | | |
| <input type="checkbox"/> Professional Associations | <input type="checkbox"/> Hospital or other health care providers | | |

7. List each Employer or Self-Employment Business (if any)

A. List the name and address of each of your employer(s) during the past twelve months including city, county or state government employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form. If no you had no employers during the past 12 months mark here ☐

WV Senate, 1900 Kanawha Blvd E, Bldg. 1, Room 279, Charleston, WV 25305

B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employs you.

State Senator

C. Are you self-employed? Yes ☐ No ☒ If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self employment in questions 4, 5 and 9).

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you contract for the sale of goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which you owned or controlled more than (10%) ten percent? Yes ☒ No ☐

If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

EXAMPLES

Governmental Agency	Description of goods or services provided
City of Pleasantville	sold bricks and sand for street scape project
Pike County Sheriff's Office	rental of garage space for patrol cars
State of WV DHHR	foster home placement studies

Governmental Entity	Description of goods or services provided
WV Treasurer's Office	Sale of bottled water
WV Auditor's Office	Sale of bottled water

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) held an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 per cent (5%), or greater, if the fair market value of that interest exceeded \$10,000. Include ownership of corporate stocks, whether publicly or privately traded. (DO NOT include interests in mutual funds, or retirement funds, such as a 401(k) or IRA. However, income from these sources may be reportable in question 5.) Attach additional sheets if necessary.

☐ Mark here if you had no business interests which meet these criteria.

EXAMPLES

Jones Coal Hauling, Placeville WV
Google stock, publicly traded
Main Street Bank, stock ownership, Greenville WV

Allegheny Lodge Enterprises, LLC - Marlinton, WV

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reported.

- from your spouse, child, grandchild, parents or grandparents
- a trust established by your spouse, child, grandchild, or ancestor
- from a will, or lawful inheritance in the absence of a will
- from a registered lobbyist (*registered lobbyists report these expenditures on Lobbyist Reporting Form, Schedule A*)

If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the above exceptions. "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

☒ Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state, to whom you owe more, in the aggregate, than \$5,000, on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the linked deposit program (W.Va. Code §12-1A-1 et seq.), the debt must be listed.

☒ Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit.

You do not have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

☒ Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained hereon and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature: Walt Helmick

Date: 1/27/09

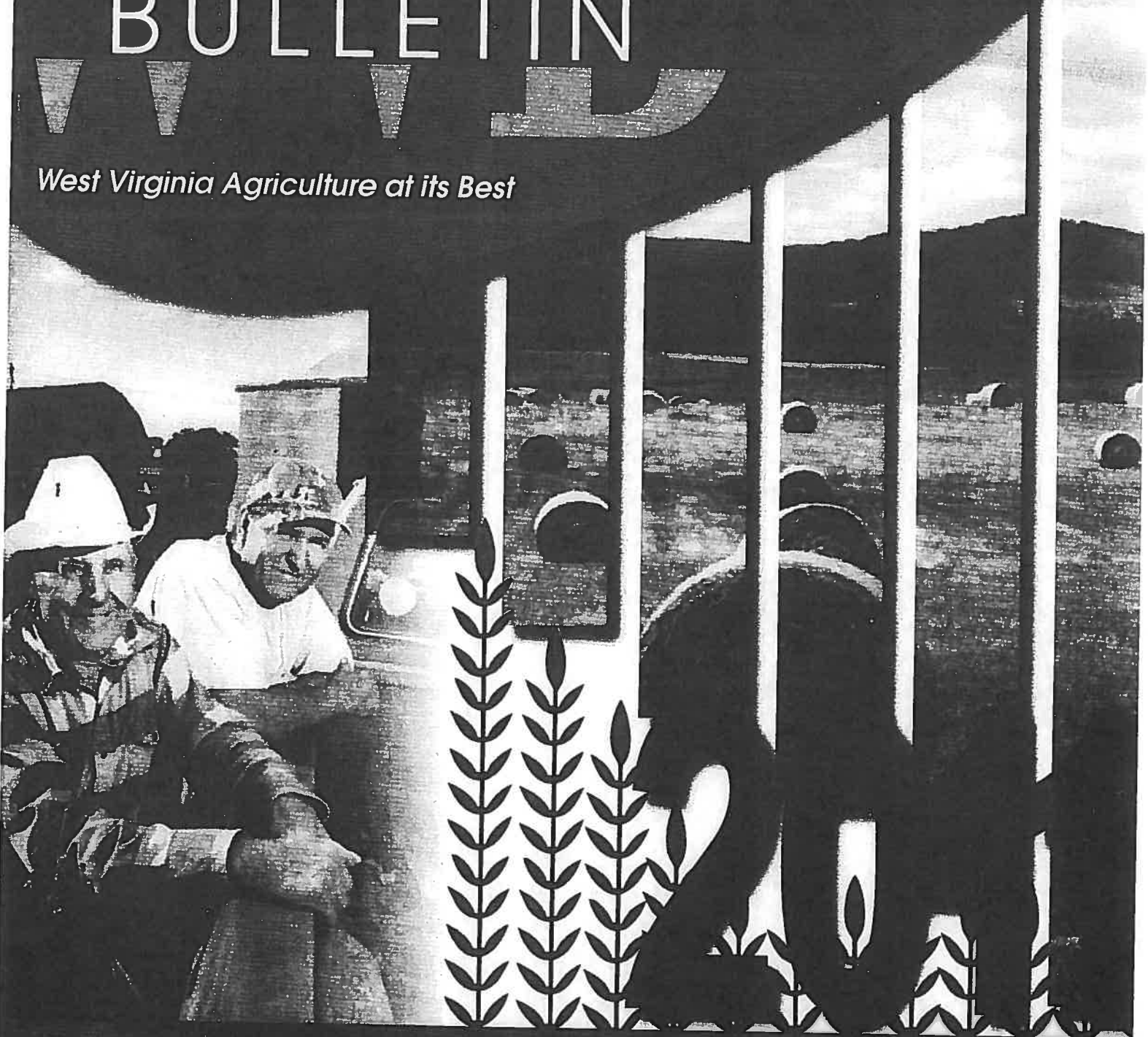
Please print name: Walt Helmick

WEST VIRGINIA AGRICULTURE STATISTICS PUBLICATION

VOL. 42

West Virginia BULLETIN

West Virginia Agriculture at its Best



National Agricultural
Statistics Service



West Virginia
Agricultural Statistics

Each year, America produces a vast quantity of agricultural goods that are consumed around the globe. Although West Virginia is a small state, in terms of population, agriculture continues to be important to the state's culture and economy, generating well over a half-billion dollars' worth of agricultural products annually. In addition, the West Virginia Department of Agriculture is marking its centennial in 2011.



From traditional commodities and livestock to the fresh fruits and vegetables being produced on the state's small-scale specialty farms, the farmers' contributions to the state's economy are evident.

Measuring that impact is the job of the U.S. Department of Agriculture's National Agricultural Statistics Service-West Virginia Field Office. The information they gather, analyze and distribute is vital to state and national decision-makers who set agricultural policy and provide programs that benefit our farmers and, therefore, all of us.

Agriculture made America great, and it remains the cornerstone of American exports. I hope this report helps more people understand the scope of agriculture in this state and country, and its importance to our society and our economy.

Sincerely,

A handwritten signature in cursive script, reading "Gus R. Douglass".

Gus R. Douglass
West Virginia Commissioner of Agriculture

"Every action you take is a seed you sow. Every seed you sow is a harvest you'll reap. You'll never change your life until you change your choices" (Quote from Steven Wright). Agriculture has evolved exponentially over the centuries. This year, the West Virginia Department of Agriculture is celebrating its 100 year anniversary. Within those 100 years, much has changed. For example: 100 years ago, West Virginia was home to 96,000 farms and 179,991 horses; Today West Virginia has 23,200 farms and according to the 2007 Census of Agriculture, the state had 37,728 horses. One thing has not changed and that is West Virginians still value Family Farms. At just over 95 percent, West Virginia can boast that we have the highest percent of family farms in the nation. Nearly 80 percent of West Virginia farms have sales of less than \$10,000 per year. This same Census also shows a steady increase in operations that have over \$50,000 in sales to the current level of slightly less than 5 percent of farms.

Sadly, agriculture can be too easily dismissed as something "I don't need to know." The fact of the matter is, agriculture needs to be discussed, especially with today's youth. It is applicable in almost every field taught in elementary and secondary schools. One of the most basic History lessons in agriculture is essentially the foundation of life as we know it. Once the Ancient Sumerians and Egyptians established successful irrigation systems, civilization began. This allowed men and women to break away from the hunter-gatherer society and form rich cultures and an industrialized society.

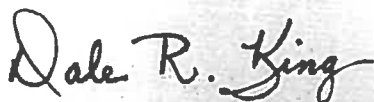
Science provides foundations for understanding the modern methods of cultivation, conservation, animal raising and developing superior hybrids. The advances in veterinary medicine, vaccinations, and the recent eradication of Rinderpest (a highly contagious viral disease in cattle and other ruminant animals) represent milestones in the application of scientific knowledge.

As agriculture is essential to our world, it is also essential to the literary world. English (language) knowledge provides tools for writing clarity and reading comprehension. As food is necessary to our existence, basic skills of reading and writing are critical in daily life. Educating our youth about agriculture will not only broaden personal human capital but what a child learns will inevitably be passed to friends, family, and community.

Mathematics in agriculture can range from simple to complex. The application of mathematics in agriculture cannot go overlooked. Promoting it, especially in youth education, can help expand the mind and make comprehension much easier. Instead of dealing with raw numbers with no point of reference, agriculture provides concrete references students can easily envision. Using examples such as square bales, acres, or an animal (which most students know the approximate size), allows them to visualize what sort of data or portions the calculations are referring to. Mathematics itself is needed in all areas of farming, whether it is counting the number of head on a farm, determining feed or forage rations or calculating the amount of seed needed to plant a certain area of land.

Sow some seed for Agriculture! As many of our farmers contend with an uncertain future of oppressive regulation and agriculture as a whole is facing near certain budget cuts, we must teach our youth, indeed all citizens, about agriculture – West Virginia and American farmers are the most conscientious land stewards who produce the safest, most reliable and most abundant food supplies in the world. If you eat you are involved in agriculture – buy, consume and speak out with confidence for our dedicated Farm Operators, the premier conservationists of our land and water resources.

To all West Virginia Farmers – Thanks!



Dale R. King
Director, West Virginia Field Office

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USDA-NASS WEST VIRGINIA FIELD OFFICE

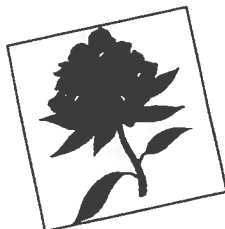
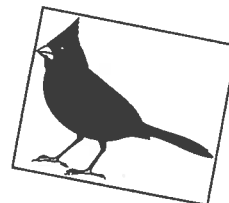
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West Virginia Field Office

Dale R. King, Director
J. Scott Lemmons, Deputy Director

Office Staff

Dennis Belderes Agricultural Statistician
Donnie Fike Agricultural Statistician
Lacey Radabaugh Agricultural Statistician
Adam Samson Agricultural Statistician
Kathryn Sayre Statistical Assistant
Amy Thomas Statistical Assistant
Libby Tolley Statistical Assistant
Kim Lowery Sr. Administrative Technician
Valerie Erb Student Intern



Field Enumeration Staff

Mary Marple Supervisor
Laura June Smith Supervisor
Edsel Aliff Enumerator
Lucy Bell Enumerator
Gail Buck Enumerator
Juna Cutlip Enumerator
Karen Fike Enumerator
Katy Gall Enumerator
Voras Haynes Enumerator
Larry Hennessy Enumerator
Linda Largent Enumerator
Jill White Enumerator



A Cooperative Function of
West Virginia Department of Agriculture
Gus R. Douglass, Commissioner
and
United States Department of Agriculture
National Agricultural Statistics Service
Dr. Cynthia Clark, Administrator

West Virginia Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305
(304) 345-5958
1-800-535-7088



Office Hours: 7:00 AM to 4:30 PM, Monday through Friday

WEST VIRGINIA DEPARTMENT OF AGRICULTURE
1900 Kanawha Boulevard, East
Charleston, WV 25305-0170

(All telephone numbers - Area Code 304)

Administrative Services Division , Sandra Gillispie, Director	558-2221
sgillispie@ag.state.wv.us	
Building & Grounds	
Fiscal Management Office	558-4058
Animal Health Division , Jewell Plumley, DVM, Director, State Veterinarian	558-2221
jplumley@ag.state.wv.us	558-2214
Guthrie Diagnostic Laboratory	
Moorefield Diagnostic Laboratory	558-2214
Communications Division , Christina S. Kelley-Dye, Director	538-2397
ckelley@ag.state.wv.us	558-3708
Market Bulletin Advertising Placement	
Executive Division , Gus R. Douglass, Commissioner	558-2225
douglass@ag.state.wv.us	
Gus R. Douglass Agricultural Center	
State Capitol	558-3200
Information Technology Division , Darius Walker, Director	558-3550
dwalker@ag.state.wv.us	558-2202
Marketing & Development Division , Jean F. Smith, Director	558-2210
jsmith@ag.state.wv.us	
Apiary Program	
Capitol Market	558-2210
Food Distribution Section	558-0185
Federal/State Fruit & Vegetable Inspection Service (Inwood)	558-0573
General John McCausland Memorial Farm (Henderson)	229-5828
Huttonsville Farm	675-0875
Inwood Farmer's Market	335-6070
Lakin Farm	229-5011
Logan Farmer's Market	675-0856
Oak Hill Field Office	792-7017
Pruntytown Farm	465-3762
Sistersville Field Office	265-6100
Meat & Poultry Inspection Division , Robert Pitts, DVM, Director	652-5380
rpitts@ag.state.wv.us	558-2206/2207
Plant Industries Division , Sherrie Hutchinson, Director	558-2212
shutchinson@ag.state.wv.us	
Agricultural Pest Survey Programs Unit	
Forest Health Protection Programs Unit	558-2212
Regulatory & Environmental Affairs Division , Herma Johnson, Director	558-2208
hjohnson@ag.state.wv.us	
Moorefield Field Office	
Pesticide Regulatory Programs Unit	538-2397
Weston Field Office	558-2209
USDA-NASS, WV Field Office , Dale R. King, Director	269-3700
dale_king@nass.usda.gov	345-5958 or 558-2217
WV Conservation Agency , Brian Farkas, Executive Director	
bfarkas@wvca.us	558-2204

www.wvagriculture.org

**UNITED STATES DEPARTMENT OF AGRICULTURE
NATIONAL AGRICULTURAL STATISTICS SERVICE
FIELD OFFICES**

E-mail: nass-**@nass.usda.gov (Replace asterisks with State abbreviation, i.e. AL for Alabama)

STATE	DIRECTOR	ADDRESS	TELEPHONE
ALABAMA	Bill Weaver	Sterling Ctr., Ste. 200, 4121 Carmichael Rd, Montgomery, AL 36106-2872	(334) 279-3555
ALASKA ¹¹	Sue Benz	1150 S. Colony Way, Ste. 11, Palmer, AK 99645	(907) 745-4272
ARIZONA	Steve Manheimer	230 N. First Ave., Ste. 303, Phoenix, AZ 85003-1706	(602) 280-8850
ARKANSAS	Becky Cross	10800 Financial Centre Parkway, Ste. 110, Little Rock, AR 72211	(501) 228-9926
CALIFORNIA	Vic Tolomeo	650 Capitol Mall, Ste. 6-100, Sacramento, CA 95814	(916) 498-5161
COLORADO	Bill Meyer	One Denver Federal Center, Bldg. 67, Rm. 630, Denver, CO 80225	(303) 236-2300
DELAWARE	Chris Cadwallader	Delaware Dept. of Ag. Bldg., 2320 S. Dupont Hwy., Dover, DE 19901	(302) 698-4537
FLORIDA	Jeff Geuder	2290 Lucien Way, Ste. 300, Maitland, FL 32751	(407) 648-6013
GEORGIA	Doug Kleweno	Ste. 320, 355 East Hancock Ave., Stephens Federal Bldg., Athens, GA 30601	(706) 546-2236
HAWAII ¹¹	Mark Hudson	State Dept. of Ag. Bldg., 1428 South King St., Honolulu, HI 96814	(808) 973-2907
IDAHO	Vince Matthews	2224 Old Penitentiary Rd., Boise, ID 83712	(208) 334-1507
ILLINOIS	Brad Schwab	Illinois Dept. of Ag. Bldg., Rm. 54, 801 Sangamon Ave., Springfield, IL 62702	(217) 492-4295
INDIANA	Greg Preston	1435 Win Hentschel Blvd., Ste. 110, W. Lafayette, IN 47906	(765) 494-8371
IOWA	Greg Thessen	210 Walnut St., Ste. 883, Des Moines, IA 50309	(515) 284-4340
KANSAS	Glenda Shepler	632 S.W. Van Buren, Rm. 200, Topeka, KS 66603	(785) 233-2230
KENTUCKY	Lee Brown	601 West Broadway, Rm. 645, Louisville, KY 40202	(502) 582-5293
LOUISIANA	Nathan Crisp	5825 Florida Blvd., Room 1179, Baton Rouge, LA 70806	(225) 922-1362
MARYLAND	Barbara Rater	50 Harry S. Truman Pkwy., Ste. 202, Annapolis, MD 21401	(410) 841-5740
MICHIGAN	Jay Johnson	3001 Coolidge Rd., Ste. 400, East Lansing, MI 48823	(517) 324-5300
MINNESOTA	Doug Hartwig	55 East 5 th St., Ste. 500, St. Paul, MN 55101	(651) 201-6030
MISSISSIPPI	Tommy Gregory	121 North Jefferson St., Ste. 230, Jackson, MS 39201	(601) 965-4575
MISSOURI	Gene Danekas	601 Business Loop 70 West, Ste. 240, Columbia, MO 65203	(573) 876-0950
MONTANA	Steve Anderson	10 West 15 th St., Ste. 3100, Helena, MT 59626	(406) 441-1240
NEBRASKA	Dean Groskurth	Rm. 298 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508	(402) 437-5541
NEVADA	Marty Owens	5600 Fox Ave., Rm. 113, Reno, NV 89506-1300	(775) 972-6001
NEW HAMPSHIRE ²¹	Gary Keough	53 Pleasant St., Rm. 2100, Concord, NH 03301	(603) 224-9639
NEW JERSEY	Troy Joshua	Rm. 205 Health & Ag. Bldg., 369 S. Warren St., Trenton, NJ 08625	(609) 292-6385
NEW MEXICO	Jim Brueggen	2507 North Telshor Blvd., Ste. 4, Las Cruces, NM 88011	(575) 522-6023
NEW YORK	King Whetstone	10B Airline Drive, Albany, NY 12235	(518) 457-5570
NORTH CAROLINA	Herb Vanderberry	2 W. Edenton St., Raleigh, NC 27601-1085	(919) 856-4394
NORTH DAKOTA	Darin Jantzi	NDSU, IACC Bldg. 448, 1320 Albrecht Blvd., Fargo, ND 58105	(701) 239-5306
OHIO	To Be Announced	Bromfield Admin. Bldg., Rm. 103, 8995 E. Main St., Reynoldsburg, OH 43068	(614) 728-2100
OKLAHOMA ³¹	Wil Hundl	2800 North Lincoln Blvd., 3 rd Floor, Oklahoma City, OK 73105-4207	(405) 522-6190
OREGON	Chris Mertz	805 SW Broadway, Suite 910, Portland, OR 97205-3349	(503) 326-2131
PENNSYLVANIA	Kevin Pautler	4050 Crums Mill Road, Suite 203, Harrisburg, PA 17112-2875	(717) 787-3904
PUERTO RICO	Anna Cruz	Dept. of Ag. Of Puerto Rico, 1309 Fernandez Juncos, Santurce, PR 00907-1163	(787) 723-3773
SOUTH CAROLINA ⁴¹	Eddie Wells	1835 Assembly St., Suite 1008, Columbia, SC 29201	(803) 765-5333
SOUTH DAKOTA	Carter Anderson	5020 S. Broadband Lane, Sioux Falls, SD 57108	(605) 323-6500
TENNESSEE	Debra Kenerson	Holeman Of. Bldg., Ellington, Ag. Ctr., 440 Hogan Rd., Nashville, TN 37220-1626	(615) 781-5300
TEXAS	Doug Rundle	Room 500 Federal Bldg., 300 E. 8 th St., Austin, TX 78701	(512) 916-5581
UTAH	John Hilton	176 N. 2200 West, Ste. 260, Salt Lake City, UT 84116	(801) 524-5003
VIRGINIA	Herman Ellison	Room LL20, 102 Governor St., Richmond, VA 23219	(804) 771-2493
WASHINGTON	Dave Knopf	112 Henry St. Ste. 202, NE., Olympia, WA 98506	(360) 709-2400
WEST VIRGINIA ⁵¹	Dale King	1900 Kanawha Blvd. E., Charleston, WV 25305	(304) 345-5958
WISCONSIN	Bob Battaglia	2811 Agriculture Drive, Madison, WI 53718-6777	(608) 224-4848
WYOMING	Todd Ballard	308 W. 21 st St., Third Floor, Cheyenne, WY 82001	(307) 432-5600



¹¹ Use priority mail for all correspondence to Alaska and Hawaii. ²¹ For Connecticut, Maine, Massachusetts, Rhode Island and Vermont.

³¹ Send mail to: P.O. Box 528804 (ZIP code 73152-8804). ⁴¹ Send mail to: P.O. Box 8 (ZIP code 29202-0008).

⁵¹ Send UPS/ FedEx (Bulk/Freight) to: 217 Gus R. Douglass Lane, Bldg. 2, RM 203 (ZIP code 25312).



WEST VIRGINIA COOPERATIVE EXTENSION SERVICE AND USDA FARM SERVICE AGENCY COUNTY CONTACTS

West Virginia University Extension				USDA		
County	Extension Contact	Telephone	E-Mail	FSA Contact	Telephone	E-Mail
		(304)	**@mail.wvu.edu (Replace asterisks with names below)		(304)	**@ww.usda.gov (Replace asterisks with names below)
Barbour	Roger Nestor	457-3254	Roger.Nestor	Tony Shaver	636-6703	tony.shaver
Berkeley	Mary Beth Bennett	264-1936	MBBennett	Billy Bennett	263-7547	Billy.Bennett
Boone	Robin Bunch Bailey	369-5869	Robin.Bailey	Joshua Lewis	824-3236	Josh.Lewis
Braxton	Debbie Friend	765-2809	Debbie.Friend	Steven Nestor	364-5103	Steven.Nestor
Brooke	Norm Schwertfeger	737-3666	Norm.Schwertfeger	A. Wayne McKeever	242-0576	Allen.McKeever
Cabell	Rich Sherman	743-7151	RASherman	Laura Meadows	697-6033	Laura.Meadows
Calhoun	John Workman	354-6332	John.Workman	Melodie Bailey	462-7171	Melodie.Bailey
Clay	Mike Shamblyn	587-4267	MDSamblyn	Steven Nestor	364-5103	Steven.Nestor
Doddridge	Alex Straight	873-1801	Alex.Straight	Joel Bamosky	624-9232	Joel.Bamosky
Fayette	Brian Sparks	574-4253	BRSparks	Keith Richmond	253-9597	Keith.Richmond
Gilmer	John Workman	462-7061	John.Workman	Melodie Bailey	462-7171	Melodie.Bailey
Grant	Brad Smith	257-4688	Brad.Smith	Estin Teter	257-4702	Estin.Teter
Greenbrier	John McCutcheon	647-7408	JEMcCutcheon	Debbie Echols	645-6172	Debbie.Echols
Hampshire	Gerald Leather	822-5013	Gerald.L Leather	Vera Page	822-3020	Vera.Page
Hancock	Carol Sheerbaum	564-3805	Carol.Sheerbaum	A. Wayne McKeever	242-0576	Allen.McKeever
Hardy	David Workman	530-0273	DJWorkman	Michael Biser	530-2826	Michael.Biser
Harrison	Larry Campbell	624-8650	LGCampbell	Joel Bamosky	624-9232	Joel.Bamosky
Jackson	John David Johnson	372-8199	John.Johnson	Jeffrey Thorn	372-6231	Jeffrey.Thom
Jefferson	vacant	728-7413		Robyn Potter	725-3471	Robyn.Potter
Kanawha	John Porter	720-9573	John.Porter	Laura Meadows	776-5256	Laura.Meadows
Lewis	Bruce Loyd	269-4660	BMLoyd	Steven Nestor	269-8431	Steven.Nestor
Lincoln	April Roach	824-7911	April.Roach	Joshua Lewis	824-3236	Josh.Lewis
Logan	Bill Richardson	792-8690	Bill.Richardson	Joshua Lewis	824-3236	Josh.Lewis
McDowell	Dana Lester	436-2872	Dana.Lester	Keith Richmond	253-9597	Keith.Richmond
Marion	John Murray	367-2772	John.Murray	Mary Jouver	363-8861	Mary.Jouver
Marshall	Alice Dolu	843-1170	Alice.Dolu	A. Wayne McKeever	242-0576	Allen.McKeever
Mason	Rodney Wallbrown	675-0888	RMWallbrown	Joshua Lewis	675-2020	Josh.Lewis
Mercer	Jodi Richmond	425-3079	Jodi.Richmond	Keith Richmond	253-9597	Keith.Richmond
Mineral	Stacey Huffman	788-3621	Stacey.Hamric	Vera Page	788-2332	Vera.Page
Mingo	Mark Whitt	235-0370	Mark.Whitt	Joshua Lewis	824-3236	Josh.Lewis
Monongalia	H.R. Scott	291-7201	HRSScott	Mary Jouver	291-4377	Mary.Jouver
Monroe	Brian Wickline	772-3003	Brian.Wickline	Charles Parker	772-3006	Charles.Parker
Morgan	Denis Scott	258-8400	Denis.Scott	Billy Bennett	263-7547	Billy.Bennett
Nicholas	Brian Sparks	872-7898	BRSparks	Keith Richmond	872-1731	Keith.Richmond
Ohio	John Miller	234-3673	JLMiller	A. Wayne McKeever	242-0576	Allen.McKeever
Pendleton	Dave Seymour	358-2286	Dave.Seymour	Roger Dahmer	358-2285	Roger.Dahmer
Pleasants	Claude Marra	684-2448	Claude.Marra	John Hall	422-9072	John.Hall
Pocahontas	Greg Hamons	799-4852	Greg.Hamons	Fane Irvine	799-4317	Fane.Irvine
Preston	David Hartley	329-1391	David.Hartley	Eric McCartney	329-1923	Eric.McCartney
Putnam	Chuck Talbott	586-0217	Chuck.Talbott	Laura Meadows	776-5256	Laura.Meadows
Raleigh	David Richmond	255-9321	David.Richmond	Keith Richmond	253-9597	Keith.Richmond
Randolph	Ron Helmondollar	636-2455	RRHelmondollar	Tony Shaver	636-6703	tony.shaver
Ritchie	Alexandria Straight	643-2164	Alexandria.Straight	John Hall	422-9072	John.Hall
Roane	Brandy Brabham	927-0975	Brandy.Brabham	Jeffrey Thom	927-1022	Jeffrey.Thom
Summers	David Richmond	466-7113	David.Richmond	Keith Richmond	253-9597	Keith.Richmond
Taylor	John Murray	265-3303	John.Murray	Mary Jouver	363-8861	Mary.Jouver
Tucker	Jennifer Poling	478-2949	Jennifer.Poling	Tony Shaver	636-6703	tony.shaver
Tyler	Christina Richmond	758-2101	ChristyRichmond	A. Wayne McKeever	242-0576	Allen.McKeever
Upshur	Gary Rapping	473-4208	Gary.Rapping	Steven Nestor	269-8431	Steven.Nestor
Wayne	Carl Marcum	272-6839	CDMarcum	Laura Meadows	697-6033	Laura.Meadows
Webster	Mike Hall	847-2727	MLHall	Keith Richmond	872-1731	Keith.Richmond
Wetzel	Mindy Mall	455-0934	Mindy.Mall	A. Wayne McKeever	242-0576	Allen.McKeever
Wirt	Patty Morrison	275-3101	Patty.Morrison	John Hall	422-9072	John.Hall
Wood	JJ Barrett	424-1960	JJ.Barrett	John Hall	422-9072	John.Hall
Wyoming	Susan England-Lord	732-8000	SREngland-Lord	Keith Richmond	253-9597	Keith.Richmond

West Virginia State University Extension

Kanawha Melissa Stewart 532-1670 williaml@wvstateu.edu

Source: West Virginia Extension Service and USDA, Farm Service Agency.

WEST VIRGINIA GAZETTE ARTICLE, DATED FEBRUARY 12,
2012

February 12, 2012

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Statehouse beat: Laws that become obsolete

By Phil Kabler

Word of the day: Desuetude. As lawyer/lobbyist extraordinaire **Wendel Turner** explained, it's a legal term referring to laws that become obsolete and no longer enforceable after long periods of non-enforcement.

That's why the state Alcohol Beverage Control Administration law that prohibits sale of liquor by the drink except to members of private clubs is no longer enforced, even though it's still on the books.

It's also the same legal premise that Sen. **Walt Helmick**, D-Paolihtontas, intends to apply if he wins election as state agriculture commissioner this fall.

The 1911 law creating the office states that the agriculture commissioner "shall be a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election."

Helmick is contending that the requirements haven't been adhered to over the years. Currently, the primary occupations of three of his four opponents are executive positions in the Department of Agriculture, although **Joe Messineo** also owns a farm, and **Bob Tabb** operates a nursery.

Meanwhile, with 52 years of service, when current Agriculture Commissioner **Gus Douglass** retires in January, his pension will be 104 percent of his salary, or \$98,800 a year.

Jacqueline Proctor, who has been communications director for Gov. **Earl Ray Tomblin** since he began serving as Senate president/acting as governor in November 2010, and had been spokeswoman for the Division of Culture and History for three years prior, was let go by the governor's office late Friday afternoon.

Proctor said she could not comment, and calls and emails to the governor's office were not returned Friday.

Word is she has a job elsewhere in the administration.

Speaking of publications, the Chamber of Commerce monthpiece "The West Virginia Record" is already gearing up its election year attacks on Attorney General **Darrell McGraw**, with no less than three articles and an editorial aimed at McGraw in the most recent issue.

At least two articles are critical of chief deputy **Fran Hughes** for making comments about the election to the media. One quotes the then-executive director of Citizens Against Lawsuit Abuse, **Steve Cohen**, faulting Hughes for making comments on state time.

Perhaps in the spirit of full disclosure, it should be pointed out that Chhrrn himself is also now a state employer. He's administrative assistant to Supreme Court Justice **Brent Benjamin**.

I shouldn't have been surprised to get numerous calls about in-home care for senior citizens -- both regarding the wait lists for both the Medicaid waiver program and the Bureau of Senior Services' Lighthouse program, as well as for legislation pending to create a state registry of in-

home care workers (HB4062, SB171).

On the latter, I had a particularly interesting call from **Bertrand D. Ash**, 88, of St. Albans, explaining just how useful the registry would be.

Ash said that, over the past 25 years, he has had to find in-home care workers for his mother-in-law, his wife and, now, for himself.

Finding good in-home care providers via want ads or word-of-mouth is an imperfect science, Ash said. He told of workers not showing up for days at a time -- not an ideal situation for seniors depending on care providers to fix urinals, manage prescription drug dosages and provide personal care services.

Another worker, he discovered, was pilfering painkillers and other prescription drugs.

He said a statewide registry listing in-home care providers, their education and qualifications, and verifying they had passed a criminal background check, would be immensely helpful.

Passage of the bill would seem like a no-brainer, but the lead sponsor of the House bill, Delegate **Larry Williams**, D-Preston, said the legislation is getting pushback in the Senate.

Senators have raised concerns over the price tag: The bureau estimates it would cost just more than \$100,000 a year to maintain the registry, although as is not uncommon, one could argue the fiscal note is inflated, including estimating that two new full-time employees would be required.

Senators also have due process concerns for in-home providers who either opt not to undergo, or fail criminal background checks.

Ash asked that I update him on the status of the legislation, but multiple calls to his home last week went unanswered, so here goes: Both bills are pending in Senate Finance.

Finally, leave it to West Virginians to find controversy where none exists. Case in point, two billboards West Virginia University has installed on the interstates leading into Morgantown, stating, "70 -- It's not just our speed limit," with an orange replacing the "a" in 70.

Apparently, some think it's in poor taste, and amounts to excessive bragging, or gloating over the 70-33 win over Clemson in the Orange Bowl.

Hey, can't the university have a little fun commemorating the greatest bowl win in the history of college football?

Of course, the billboard controversy is preferable to how another state institution is getting national publicity, for an incident involving a bottle rocket and incredibly diminished judgment ...

Reach Phil Kabler at ph...@wvgazette.com or 304-348-1220.

since then! Tomblin has been a Mover and Shaker in WV Politics for 37 years, what has he ever accomplished? Only Jay Leno can adequately describe WV politics the way they really are! NO TOMBLIN IN 2012!!!

Posted at: February 13, 2012 6:37:40 am